



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/067,978  
Applicant : GATTO  
Filed : February 8, 2002  
TC/A.U. : 1764  
Examiner : Johnson, J.  
Docket No. : EP-7532 (72575)

Confirmation No.: 3784

U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, Virginia 22314-1450

**INFORMATION DISCLOSURE STATEMENT**

Pursuant to 37 CFR 1.97 and 1.98, the references listed on the enclosed Form PTO-1449 and/or Substitute Form PTO-1449 ("Form 1449") are submitted for consideration by the Examiner in the examination of the above-identified patent application.

The full consideration of the references in their entirety by the Examiner is respectfully requested and encouraged. Also, it is respectfully requested that the references be entered into the record of the present application and that the Examiner place his or her initials in the appropriate area on the enclosed Form 1449, thereby indicating the Examiner's consideration of each of the references.

The submission of the references listed on the Form 1449 is for the purpose of providing a complete record and is not a concession that the references listed thereon are prior art to the invention claimed in the patent application. The right is expressly reserved to establish an invention date earlier than the above-identified filing date in order to remove any reference submitted herewith as prior art should it be deemed appropriate to do so.

Further, the submission of the references is not to be taken as a concession that any reference represents art that is relevant or analogous to the claimed invention. Accordingly, the right to argue that any reference is not properly within the scope of prior art relevant to an examination of the claims in the above-identified application is also expressly reserved.

This Information Disclosure Statement is being filed as a matter of prudence to assure that documents are of record herein so that the Examiner has been afforded a full and fair opportunity to consider them, and so that a strong statutory presumption of validity applies any patent issuing from this application.

The Information Disclosure Statement is being filed:

- (X) **within** any one of the following time periods: (a) within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d); (b) within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 of an international application; (c) before the mailing date

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of a first Office Action on the merits; or (d) before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

- ( ) **after** (a), (b), (c) or (d) above, but before the mailing date of a final action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and includes *one* of:

( ) the Statement under 37 CFR 1.97(e) (see "Statement under 37 CFR 1.97(e)" below).

*or*

( ) the fee of \$180 set forth in 37 CFR 1.17(p) (see "Fees" below).

- ( ) **after** the mailing date of a final action under 37 CFR 1.113 or a Notice of Allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and on or before payment of the issue fee, and includes the Statement under 37 CFR 1.97(e) (see "Statement under 37 CFR 1.97(e)" below), and the fee of \$180 as set forth in 37 CFR 1.17(p) (see "Fees" below).

- ( ) **after** the mailing date of a Notice of Allowance under 37 CFR 1.311, and on or before payment of the issue fee, and **within** thirty days of receiving each item of information contained in the Information Disclosure Statement, and includes the Statement under 37 CFR 1.704(d) (see "Statement under 37 CFR 1.704(d)" below), and the fee of \$180 as set forth in 37 CFR 1.17(p) (see "Fees" below).

NOTE: This is for original applications except applications for a design patent, filed on or after May 29, 2000, wherein a paper containing only an Information Disclosure Statement in compliance with 37 CFR 1.97 and 1.98 is being filed.

#### **Non-English Language Patents, Publications, or other Information**

( ) In conformance with 37 CFR 1.98(a)(3)(i), a concise explanation of the relevance, as it is presently understood, of each the listed , is set forth in respective enclosed English-language abstracts therefor.

( ) In conformance with 37 CFR 1.98(a)(3)(ii), a written English-language translation is enclosed for listed .

#### **Copies of the References**

( ) Copies of the non-U.S. patent references listed on the enclosed Form 1449 are enclosed herewith.

( ) A copy of the \_\_\_\_\_ for published \_\_\_\_\_ counterpart \_\_\_\_\_ is enclosed herewith.

( ) The references listed on the enclosed Form 1449 were previously identified in the parent application(s) of the present application, and copies of the references were

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furnished at that time. Accordingly, additional copies of the references are not submitted herewith, so as not to burden the file with duplicate copies of references. The Examiner is respectfully requested to carefully review the references in accordance with the requirements set out in the Manual of Patent Examining Procedure. In accordance with 37 CFR 1.98(d), the details of the parent application(s) relied upon for an earlier filing date under 35 USC 120 in which copies of the references were previously furnished are set out below:

U.S. APPLICATIONS		Status ( <i>check one</i> )		
U.S. APPLICATIONS	U.S. FILING DATE	PATENTED	PENDING	ABANDONED
1.				
2.				
3.				

**Statement under 37 CFR 1.97(e)**

- ( ) The **undersigned** hereby states that each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign patent application not more than three months prior to the filing of the Information Disclosure Statement.
- ( ) The **undersigned** hereby states that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign patent application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

**Statement under 37 CFR 1.704(d)**

- ( ) The **undersigned** hereby states that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 CFR 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

**Fees**

- (X) **No fee** is owed by the applicant(s).
- ( ) The **IDS Fee of \$180** under 37 CFR 1.17(p) is enclosed herewith.

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**Method of Payment of Fees**

- ( ) Attached is a check in the amount of \$180.00.
- ( ) Charge Deposit Account No. 06-1135 in the amount of \$ . (A duplicate copy of this communication is enclosed for that purpose.)

**Authorization to Charge Additional Fees**

- ( ) If any additional fees are owed in connection with this communication, please charge Deposit Account No. 06-1135 regarding our order number 7391/72575. (A duplicate copy of this communication is enclosed for that purpose.)

**Instructions as to Overpayment**

- ( ) Credit Account No. 06-1135.
- ( ) Refund

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

Date: May 27, 2005

By



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Form PTO-1449  <div style="text-align: center;"> <b>INFORMATION DISCLOSURE CITATION IN AN APPLICATION</b> </div> <div style="text-align: center; margin-top: 10px;">         (Use several sheets if necessary)       </div>								Docket Number <b>7391/72575</b>								Application Number <b>New Application</b>			
								Applicant: <b>GATTO</b>											
								Filing Date: <b>Feb. 8, 2002</b>				Group Art Unit: <b>1764</b>							

U. S. PATENT DOCUMENTS													
EXAMINER INITIAL	U.S. DOCUMENT NUMBER							DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROP.	
	5	6	9	8	4	9	8	12/17/1997	Lucinani et al.				
	5	8	9	5	7	7	9	04/20/1999	Boffa				
	4	3	6	0	4	3	8	11/23/1982	Rowan et al.				

FOREIGN PATENT DOCUMENTS										
	DOCUMENT NUMBER				DATE	COUNTRY	CLASS	SUB CLASS	Translation	
									Yes	No

OTHER DOCUMENTS		(Including Author, Title, Date, Pertinent Pages, Etc.)

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.